ACCOMMODATING PEOPLE WITH DISABILITIES

Americans with Disabilities Act (ADA) and Reasonable Accommodations

Content Overview

- What is considered a disability and who is entitled to an accommodation?
- What would be considered a “reasonable accommodation?”
- What are some examples of essential and non-essential job functions?
- What kinds of resources are available for making workplace accommodations?

Who is entitled to Reasonable Accommodation?

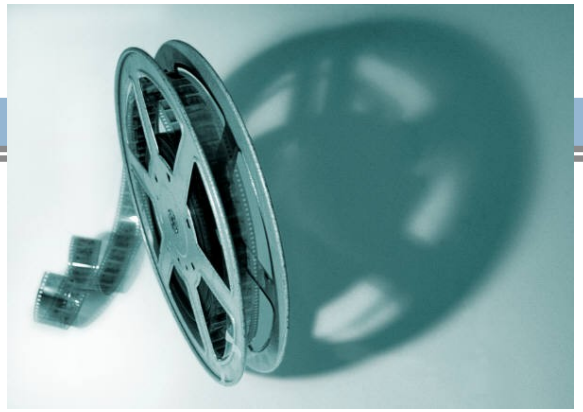
A person with a disability is one that:

- has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning).
- has a history of a disability (such as cancer that is in remission).
- is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less).

Who can request a reasonable accommodation?

- qualified individuals with disabilities who are employees or applicants for employment.

Video



Accommodating Employees with Disabilities

What is a Reasonable Accommodation?

A change in the work environment that would enable an individual to enjoy equal employment opportunities.

- Modifications or adjustments to the application process
- Modifications or adjustments to enable an individual to perform the essential functions of a position
- Modifications or adjustments that enable individuals to enjoy equal benefits and privileges of employment

No Magic Words

An individual can request a reasonable accommodation verbally or in writing. The person does not have to mention the Rehabilitation Act or use the phrase “reasonable accommodation.” Requests can be made to a supervisor, manager, or EEO/HR Office.

Understanding Essential Job Functions

Essential job functions for a police officer might include:

- Ability to effectively communicate verbally and in writing
- Ability to apprehend suspects
- Ability to carry a firearm

Non-essential functions may include:

- Computer knowledge
- Dispatcher responsibilities

Understanding Essential Job Functions

Essential job functions for a child care worker might include:

- Supervising children and during indoor/outdoor activities
- Maintaining control of and accounts for whereabouts and safety of children
- Assisting children with projects, homework and life skills

Non-essential job functions may include:

- Inventory equipment on a recurring basis
- Setting up displays and bulletin boards

Examples of Reasonable Accommodations

- You have an employee with Carpel Tunnel Syndrome, or something similar. You notice the employee looks to be in pain when utilizing the computer. What should you do?

- One of your employees has a pretty physical job. He comes to you and explains that he was involved in an accident. Upon return from seeing a physician, it turns out he has a slipped disc and requests accommodation. What should you do?

- You have an employee that is undergoing chemotherapy for cancer three days a week and has requested to work ½ days for the next 90 days? What should you do?

10 Steps of Accommodation

1. Most employees will not use the words “reasonable accommodation.”
2. If you believe an employee is making a request for RA simply ask, “Are you requesting an accommodation?”
3. Tell your employee you are concerned about their health and the performance of their duties.
4. Have the employee complete a written request for RA (Appendix B).
5. If the employee’s disability/medical concerns are not readily apparent, request the employee provide medical documentation to support the request to the Occupational Health Clinic.

10 Steps of Accommodation

6. Provide a copy of the completed Appendix B to the EEO Office's Disability Program Manager (DPM).
7. If you can provide the requested accommodation do so.
8. If you cannot provide the requested accommodation discuss the accommodation request with the DPM.
9. If you believe the employee cannot be accommodated in their current position work with the DPM to arrange a RA Committee meeting. *Reassignment is the accommodation*

Available Resources

- EEO Office: 526-5818/4413
- CPAC Generalist
- Occupational Health
- Job Accommodation network
  www.jan.wvu.edu
- Computer and Electronic Accommodation Program
  www.tricare.mil/cap/
- DisabilityInfo.gov
  www.disabilityinfo.gov
- Equal Employment Opportunity Commission
  www.eeoc.gov